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9 **UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA**

11 RUBEN FLORES,

12 Plaintiff,

Case No.: 2:25-cv-01621-WLH-SK

13 v.

Assigned to Hon. Wesley L. Hsu

14 ASSUREHIRE, INC.,

15 Defendant.

16 **DEFENDANT ASSUREHIRE, INC.'S  
NOTICE OF MOTION AND  
MOTION TO DISMISS PURSUANT  
TO FED. R. CIV. P. 12(b)(6)**

17 Hearing Date: May 30, 2025

18 Hearing Time: 1:30 p.m.

Courtroom: 9B

19 Complaint filed: February 26, 2025

Trial Date: Not set

GlaserWeil

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on May 30, 2025, at 1:30 p.m., or as soon  
3 thereafter as the matter may be heard in Courtroom No. 9B of the above-entitled Court,  
4 located at 350 W. First Street, Los Angeles, California, 90012, Defendant AssureHire  
5 Inc. (“AssureHire”) will and hereby does move the Court for an order dismissing  
6 Plaintiff Ruben Flores’s (“Plaintiff”) Complaint pursuant to Federal Rule of Civil  
7 Procedure 12(b)(6).

8 AssureHire’s motion is based on Plaintiff’s failure to meet the Rule 8 pleading  
9 standard in his Complaint as a matter of law, including by failing to plead “enough facts  
10 to state a claim to relief that is plausible on its face” as to any of Plaintiff’s claims for  
11 relief. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

12 Specifically, Plaintiff’s claim under 15 U.S.C. section 1681e(b) fails because the  
13 Confidential Background Check Report from AssureHire dated December 5, 2024 (the  
14 “Report”) accurately reports public records, and Plaintiff fails to allege any facts  
15 showing that any inaccuracy was due to AssureHire’s failure to follow reasonable  
16 procedures to maximize accuracy. Plaintiff’s duplicative claim under California Civil  
17 Code section 1785.14 fails for the same reasons. Moreover, Plaintiff fails to allege any  
18 facts that support that AssureHire willfully reported on the wrong Ruben Flores.

19 Plaintiff’s claim under 15 U.S.C. section 1681k(a) fails because the Report was  
20 in fact provided to Plaintiff and his prospective employer at the same time and because  
21 Plaintiff fails to allege any facts showing that AssureHire failed to maintain strict  
22 procedures to insure its Report was complete and up to date.

23 Plaintiff’s Section 1681e(b) and Section 1681k(a) claims also fail because  
24 Plaintiff fails to allege facts showing AssureHire acted willfully or negligently, or that  
25 Plaintiff suffered any actual damages or suffered any tangible concrete injury in fact as  
26 a result of AssureHire’s conduct. Accordingly, AssureHire respectfully requests that  
27 the Court dismiss Plaintiff’s Complaint in its entirety.

1        This Motion is based on this Notice of Motion and Motion, the attached  
2 Memorandum of Points and Authorities, Declaration of Alexander R. Miller, the  
3 concurrently filed Request for Judicial Notice, any other matters of which this Court  
4 may be requested to take judicial notice, and upon such other matters, whether written  
5 or oral, as may be presented to the Court at or prior to any hearing on this motion.

This Motion is made following the conference of counsel pursuant to L.R. 7-3, and the Court's Standing Order for Newly Assigned Civil Cases. As detailed in the accompanying declaration of Alexander R. Miller, the parties thoroughly discussed the substance and potential resolution of the filed Motion by videoconference on April 4, 2025, by telephone on April 8, 2025, and through several subsequent emails.

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12 || DATED: April 14, 2025

Respectfully submitted,

**GLASER WEIL FINK HOWARD  
JORDAN & SHAPIRO LLP**

By: /s/ Elizabeth A. Sperling  
Elizabeth A. Sperling  
Alexander R. Miller  
Attorneys for Defendant  
AssureHire Inc.